

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8081 of 2007

Dated: 19.04.2007

Between:

Chakka Sitamahalakshmi.

..... PETITIONER

AND

State of Andhra Pradesh,
rep. by its Principal Secretary (Panchayatraj),
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8081 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Ac.0.52 in survey No.214/1 and Ac.1.48 in survey No.215 situated at Nathavaram Village and Mandal, Visakhapatnam District, which she purchased under a registered sale deed in 1994. She alleges that on 01.04.2007, respondents 2 and 3 came with staff and made a pathway on the petitioner's land for the purpose of laying a road. She also alleges that the road is passing on the land of the petitioner to an extent of Ac.0.30. Alleging that due process of Law was followed more in breach, the petitioner filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in interfering with her land as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj and Rural Development.

Along with the writ petition, the petitioner has annexed photographs to show that adjoining the casurina tope raised by her, a pathway is partly laid. Therefore, the allegation made by the petitioner is not without any substance. This Court observes that if there is existing pathway, which is being developed now, there cannot be any objection. However, if in the process of laying road any part of the land of the petitioner is affected, the respondents have to issue notification under the Land Acquisition Act, 1894. This observation would safeguard the interests of the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

19th April, 2007
ghn

